

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RSS WFCM2018-C44 - NY LOD, LLC,  
Plaintiff,

v.

1442 LEXINGTON OPERATING DE LLC, AFSHIN HEDVAT, DANIEL RAHMANI, and “JOHN DOE” NO. 1 THROUGH “JOHN DOE” NO. 100, the names of the “John Doe” Defendants being Fictitious and Unknown to Plaintiff, the Persons and Entities Intended Being Those Who May Be in Possession of, or May Have Possessory Liens or Other Interests in, the Premises Herein Described,

Defendants.

Civil Action File No.  
21-cv-04424-DLC

**ORDER & JUDGMENT**

**THIS MATTER** is before the Court on the motion by plaintiff RSS WFCM2018-C44 - NY LOD, LLC (“Plaintiff”) for an Order: (a) pursuant to Fed. R. Civ. P. 56, granting Plaintiff summary judgment against defendant Lexington Operating DE LLC (“Borrower”) on Counts I, II and III of its Complaint, and striking the Answer, dated July 21, 2021, that Borrower and defendants Afshin Hedvat and Daniel Rahmani (collectively, “Guarantors” and, together with Borrower, “Defendants”) jointly interposed herein; (b) referring the calculation of the amount of the judgment of foreclosure and sale to a Magistrate Judge; (c) pursuant to Fed. R. Civ. P. 21, severing Count V of the Complaint as against Guarantors for later determination in the event an auction of the real property commonly known as 1442 Lexington Avenue, New York, New York 10128, Block: 1522, Lot: 158 (the “Property”) that is the subject of this action, court-ordered herein pursuant to RPAPL § 1351, results in a deficiency with respect to the amount due and owing to Plaintiff; and (d) awarding such other and further relief as this Court may deem just, proper and

equitable (the "Motion"). Upon review of the Motion, and any opposition thereto, and for good cause shown, it is:

**ORDERED, ADJUDGED AND DECREED,** that the Motion is hereby granted  
~~in its entirety; and it is further~~

**ORDERED, ADJUDGED AND DECREED,** that, pursuant to Fed. R. Civ. P. 56,  
summary judgment is hereby granted in favor of Plaintiff as against Borrower on Counts I, II and  
~~the Affirmative defenses pleaded in~~  
III of its Complaint and Defendants' Answer is hereby stricken; and it is further

**ORDERED, ADJUDGED AND DECREED,** that, pursuant to Fed. R. Civ. P. 21,  
Count IV of the Complaint as against Guarantors is hereby severed for later determination in the  
event an auction of the Property results in a deficiency with respect to the amount due and owing  
to Plaintiff; and it is further

**ORDERED, ADJUDGED AND DECREED,** that Plaintiff is hereby granted final  
judgment as to the Counts I, II and III of the Complaint; and it is further

**ORDERED, ADJUDGED AND DECREED,** that the calculation of the amount  
of the judgment of foreclosure and sale is hereby referred to Magistrate Judge Debra C. Freeman;  
and it is further

**ORDERED, ADJUDGED AND DECREED,** that Plaintiff shall serve a copy of  
this Judgment upon the owner of equity of redemption, any person having an interest in the  
Property, and any other party entitled to notice.

**SO ORDERED** this 2d day of December, 2021.

Honorable Denise L. Cote, U.S.D.J.